

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struck Out~~

NEW LANGUAGE: Double Underline

ORDINANCE NUMBER O-21222 (NEW SERIES)

DATE OF FINAL PASSAGE JULY 30, 2020

AN ORDINANCE AMENDING CHAPTER 14, ARTICLE 3, DIVISION 7 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 143.0717, 143.0720, 143.0740, AND 143.0744 RELATING TO MODERATE INCOME HOUSING REGULATIONS.

§143.0717 Required Replacement of Affordable Units

- (a) An *applicant* is ineligible for a *density* bonus or any incentive under this Division if the property on which the *development* is proposed contains, or during the five years preceding the application, contained, rental *dwelling units* that have had the rent restricted by law or covenant to persons and families of *low income*, ~~or~~ *very low income*, or moderate income, or have been occupied by persons and families of *low income*, ~~or~~ *very low income*, or moderate income, unless the proposed *development* replaces the affordable *dwelling units*, and either:
- (1) [No change in text.]
 - (2) Provides all of the *dwelling units* as affordable to *low income*, ~~or~~ *very low income*, or moderate income households, excluding any manager's unit(s).
- (b) The number and type of required replacement *dwelling units* shall be determined as follows:

- (1) [No change in text.]
- (2) If all of the *dwelling units* are vacant or have been demolished within the five years preceding the application, the *development* must contain at least the same number of replacement *dwelling units*, of equivalent size and *bedrooms*, as existed at the highpoint of those units in the five year period preceding the application, and must be made affordable to and occupied by persons and families in the same or a lower income category as those in occupancy at that same time. If the income categories are unknown for the highpoint, it is rebuttably presumed that the *dwelling units* were occupied by *very low income*, ~~and~~ *low income*, or moderate income renter households in the same proportion of *very low income*, ~~and~~ *low income*, or moderate income renter households to all renter households within the City of San Diego, as determined by the most recently available data from the United States Department of Housing and Urban Development's Comprehensive Housing Affordability Strategy database, and replacement *dwelling units* shall be provided in that same percentage.

(3) through (5) [No change in text.]

§143.0720 Density Bonus in Exchange for Affordable Housing Units

- (a) through (b) [No change in text.]
- (c) A rental affordable housing *density* bonus agreement shall utilize the following qualifying criteria:
- (1) through (4) [No change in text.]

- (5) Moderate income - At least 10 percent of the pre-density bonus dwelling units in the development shall be affordable to and occupied by moderate income households.

(d) through (h) [No change in text.]

- (i) A *development* proposal requesting an affordable housing *density* bonus is subject to the following:

(1) [No change in text.]

- (2) For *development* meeting the criteria for *very low income* households in Section 143.0720(c)(1), the *density* bonus shall be calculated as set forth in Table 143-07A. The increased *density* shall be in addition to any other increase in *density* allowed in this Division, up to a maximum combined *density* increase of ~~50~~ 75 percent. For *development* meeting the same criteria within the Centre City Planned District, the bonus shall apply to the maximum allowable *floor area ratio* applicable to the *development* consistent with Section 156.0309(e).

- (3) For *development* meeting the criteria for *low income* households in Section 143.0720(c)(2), the *density* bonus shall be calculated as set forth in Table 143-07B. The increased *density* shall be in addition to any other increase in *density* allowed in this Division, up to a maximum combined *density* increase of ~~50~~ 75 percent. For *development* meeting the same criteria within the Centre City Planned District, the bonus shall apply to the maximum allowable

floor area ratio applicable to the *development* consistent with Section 156.0309(e).

- (4) For *development* meeting the criteria for *moderate income* households in Section 143.0720(c) and (d), the *density* bonus shall be calculated as set forth in Table 143-07C. The increased *density* shall be in addition to any other increase in *density* allowed in this Division, up to a maximum combined *density* increase of 50 percent. For *development* meeting the same criteria within the Centre City Planned District, the bonus shall apply to the maximum allowable *floor area ratio* applicable to the *development* consistent with Section 156.0309(e).

(5) through (10) [No change in text.]

§143.0740 Incentives in Exchange for Affordable Housing Dwelling Units

An *applicant* proposing *density* bonus shall be entitled to incentives as described in this Division for any *development* for which a written agreement and a deed of trust securing the agreement is entered into by the *applicant* and the President and Chief Executive Officer of the San Diego Housing Commission. The City shall process an incentive requested by an *applicant* as set forth in this Section.

(a) through (d) [No change in text.]

Table 143-07A
Very Low Income Density Bonus
Households

Percent <i>Very Low Income</i> Units	Percent <i>Density</i> Bonus	Number of Incentives
5	20	1
6	22.5	1
7	25	1
8	27.5	1
9	30	1
10	32.5	2
11	35	2
12	38.75	3
13	42.5	4
14	46.25	4
≥ 15	50 ¹	5

¹Once this maximum is reached, an additional 25 percent *density* bonus is allowed if an additional 10 percent of the *pre-density* bonus units are restricted in accordance with the provisions of this Division for households earning less than or equal to 120 percent of the area median income, as adjusted for household size, and the *development* is within a *transit priority area*.

Table 143-07B
Low Income Density Bonus
Households

Percent <i>Low Income</i> Units	Percent <i>Density</i> Bonus	Number of Incentives
10	20	1
11	21.5	1
12	23	1
13	24.5	1
14	26	1
15	27.5	1
16	29	1
17	30.5	1
18	32	1
19	33.5	1
20	35	2
21	38.75	2
22	42.5	2
23	46.25	2
≥ 24 - 29	50 ¹	2

Percent <i>Low Income</i> Units	Percent <i>Density</i> Bonus	Number of Incentives
≥ 30	50 ¹	3
31 - 32	50 ¹	4
≥ 33	50 ¹	5

¹Once this maximum is reached, an additional 25 percent *density* bonus is allowed if an additional 10 percent of the *pre-density* bonus units are restricted in accordance with the provisions of this Division for households earning less than or equal to 120 percent of the area median income, as adjusted for household size, and the *development* is within a *transit priority area*.

Table 143-07C
Moderate Income Density Bonus
Households

[No change in text.]

§143.0744 Parking Ratios for Affordable Housing

Upon the request of an *applicant* for a *development* meeting the criteria in Sections 143.0720(c), 143.0720(d), 143.0720(e), 143.0720(f), or 143.0720(h), the vehicular parking ratios in Table 143-07D, as may be applicable, or those set forth in Chapter 14, Article 2, Division 5, inclusive of disabled and guest parking, whichever is lower, shall apply. ~~the City shall apply the following regulations:~~

- (a) ~~For a *development* that meets the criteria for *moderate income* households in Section 143.0720(d)(3), the vehicular parking ratios set forth below shall apply, inclusive of disabled and guest parking:~~
- (1) ~~Zero to one bedroom: one onsite parking space.~~
 - (2) ~~Two to three bedrooms: two onsite parking spaces.~~
 - (3) ~~Four and more bedrooms: two and one-half parking spaces.~~
 - (4) ~~Additional reductions of 0.25 spaces per *dwelling unit* shall be granted for *development* that is at least partially within a *transit area* as described in Chapter 13, Article 2, Division 10 (Transit~~

~~Area Overlay Zone), or that is subject to Chapter 13, Article 2,
Division 11 (Urban Village Overlay Zone).~~

- ~~(b) For a *development* that meets the criteria for *very low* and *low income* rental *dwelling units* in Section 143.0720(e) or senior housing in Section 143.0720(e), the vehicular parking ratios in Table 143-07D, as may be applicable, or those set forth in Section 142.0527(a)(3), inclusive of disabled and guest parking, whichever is lower, shall apply.~~
- ~~(e) For purposes of this Division, a *development* may provide onsite parking through tandem parking or uncovered parking, but not through on-street parking or parking within a required front *yard setback*.~~
- ~~(d) Parking reductions for a *development* providing rental and for sale affordable housing for *very low income* and *low income* households in accordance with Sections 143.0720(e) and 143.0720(d), rental housing for senior citizens in accordance with Section 143.0720(e), or housing for transitional foster youth, disabled veterans, or homeless persons in accordance with Section 143.0720(f), that meet transit proximity requirements are set forth in Table 143-07D.~~

Table 143-07D
Parking Reduction for Proximity to Transit

Type of <i>Development</i>	Percent Affordable	Transit Requirement³	Parking Ratio for <i>Development</i>¹
Rental or for-sale <i>development</i> containing market rate and <i>low income</i> , ₁ and/or <i>very low income</i> and/or <i>moderate income dwelling units</i> <ul style="list-style-type: none"> • <i>Very low income</i> • <i>Low income</i> • <u><i>Moderate income</i></u> 	11% 20% <u>10%</u>	The <i>development</i> is located within a T <i>transit P</i> p <i>riority A</i> area	0.5 spaces per <i>bedroom</i>
Rental housing <ul style="list-style-type: none"> • <i>Low</i>, & <i>very low</i> and <u><i>moderate income</i></u> 	100% ²		0.5 spaces per <i>dwelling unit</i>
Rental housing with an affordable housing cost to lower income senior citizens in accordance with California Civil Code Sections 51.3 and 51.12	100% ²	The <i>development</i> shall have either paratransit service, or be located within ½ mile of unobstructed access to a fixed bus route service that operates at least eight times per day.	0.5 spaces per <i>dwelling unit</i>

Footnotes for Table 143-07D

¹ through ² [No change in text.]

³Section 142.0528 applies to *development* within the Parking Standards Transit Priority Area.

CLN:als

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Or.Dept: Planning Dept.

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